

ORDINANCE NO. 2006 -035

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR PRIVATELY INITIATED AMENDMENT **CONGRESS/MELALEUCA RESIDENTIAL (LGA 2006-00013)**, MODIFYING PAGE 78 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 18.26 ACRES, GENERALLY LOCATED APPROXIMATELY 350 FEET NORTH OF THE INTERSECTION OF CONGRESS AVENUE AND MELALEUCA LANE, FROM COMMERCIAL HIGH (CH) TO HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8); PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 10, 24 and March 24, 2006 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2006 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 23, 2006 which was the Department's written review of the

1 proposed Comprehensive Plan amendments; and

2 **WHEREAS**, on August 21, 2006 the Palm Beach County Board of County
3 Commissioners held a public hearing to review the written comments
4 submitted by the Department of Community Affairs and to consider
5 adoption of the amendments; and

6 **WHEREAS**, the Palm Beach County Board of County Commissioners has
7 determined that the amendments as modified satisfy the concerns
8 addressed in the Department of Community Affairs' "Objections,
9 Recommendations and Comments Report" and comply with all requirements
10 of the Local Government Comprehensive Planning and Land Development
11 Regulations Act.

12 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
13 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

14 **Part I. Amendments to the Future Land Use Atlas of the Land Use**
15 **Element of the 1989 Comprehensive Plan**

16 The following amendments to the Land Use Element's Future Land
17 Use Atlas are hereby adopted and attached to this Ordinance:

18 **A. Future Land Use Atlas page 78 is amended as follows:**

19 **Application No.:** Congress/Melaleuca Residential (LGA 2006-
20 00013)

21 **Amendment:** From Commercial High (CH) to High
22 Residential, with 8 dwelling units per acre
23 (HR-8);

24 **General Location:** On the west side of Congress Avenue,
25 approximately 350 feet north of Melaleuca
26 Lane;

27 **Size:** Approximately 18.26 acres;

28 **B. Conditions:** This parcel is subject to the following
29 condition:

- 30 1. The applicant shall either utilize the Workforce Housing
31 Program (WHP) or shall deed restrict the property for a
32 minimum of 25 years to a minimum of 20% of the units
33 built on the site for sale to and/or occupancy by
34 moderate income households as defined by the Palm Beach
35 County Comprehensive Plan.

1 **Part II. Repeal of Laws in Conflict**

2 All local laws and ordinances applying to the unincorporated area
3 of Palm Beach County in conflict with any provision of this ordinance
4 are hereby repealed to the extent of such conflict.

5 **Part III. Severability**

6 If any section, paragraph, sentence, clause, phrase, or word of
7 this Ordinance is for any reason held by the Court to be
8 unconstitutional, inoperative or void, such holding shall not affect
9 the remainder of this Ordinance.

10 **Part IV. Inclusion in the 1989 Comprehensive Plan**

11 The provision of this Ordinance shall become and be made a part
12 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
13 Ordinance may be renumbered or relettered to accomplish such, and the
14 word "ordinance" may be changed to "section," "article," or any other
15 appropriate word.

16 **Part V. Effective Date**

17 The effective date of this plan amendment shall be the date a
18 final order is issued by the Department of Community Affairs or
19 Administration Commission finding the amendment in compliance in
20 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
21 applicable. No development orders, development permits, or land uses
22 dependent on this amendment may be issued or commence before it has
23 become effective. If a final order of noncompliance is issued by the
24 Administration Commission, this amendment may nevertheless be made
25 effective by adoption of a resolution affirming its effective status,
26 a copy of which resolution shall be sent to the Florida Department of
27 Community Affairs, Division of Community Planning, Plan Processing
28 Team. An adopted amendment whose effective date is delayed by law
29 shall be considered part of the adopted plan until determined to be
30 not in compliance by final order of the Administration Commission.
31 Then, it shall no longer be part of the adopted plan unless the local
32 government adopts a resolution affirming its effectiveness in the
33 manner provided by law.

34 **APPROVED AND ADOPTED** by the Board of County Commissioners of
35 Palm Beach County, on the 21st day of August, 2006.

1
2 ATTEST:
3 SHARON R. BOCK, CLERK

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

John (Jeff) Koon

4
5
6 By: [Signature] Deputy Clerk By: [Signature]
7 ~~for~~ Tony Masilotti, Chairman

8
9 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

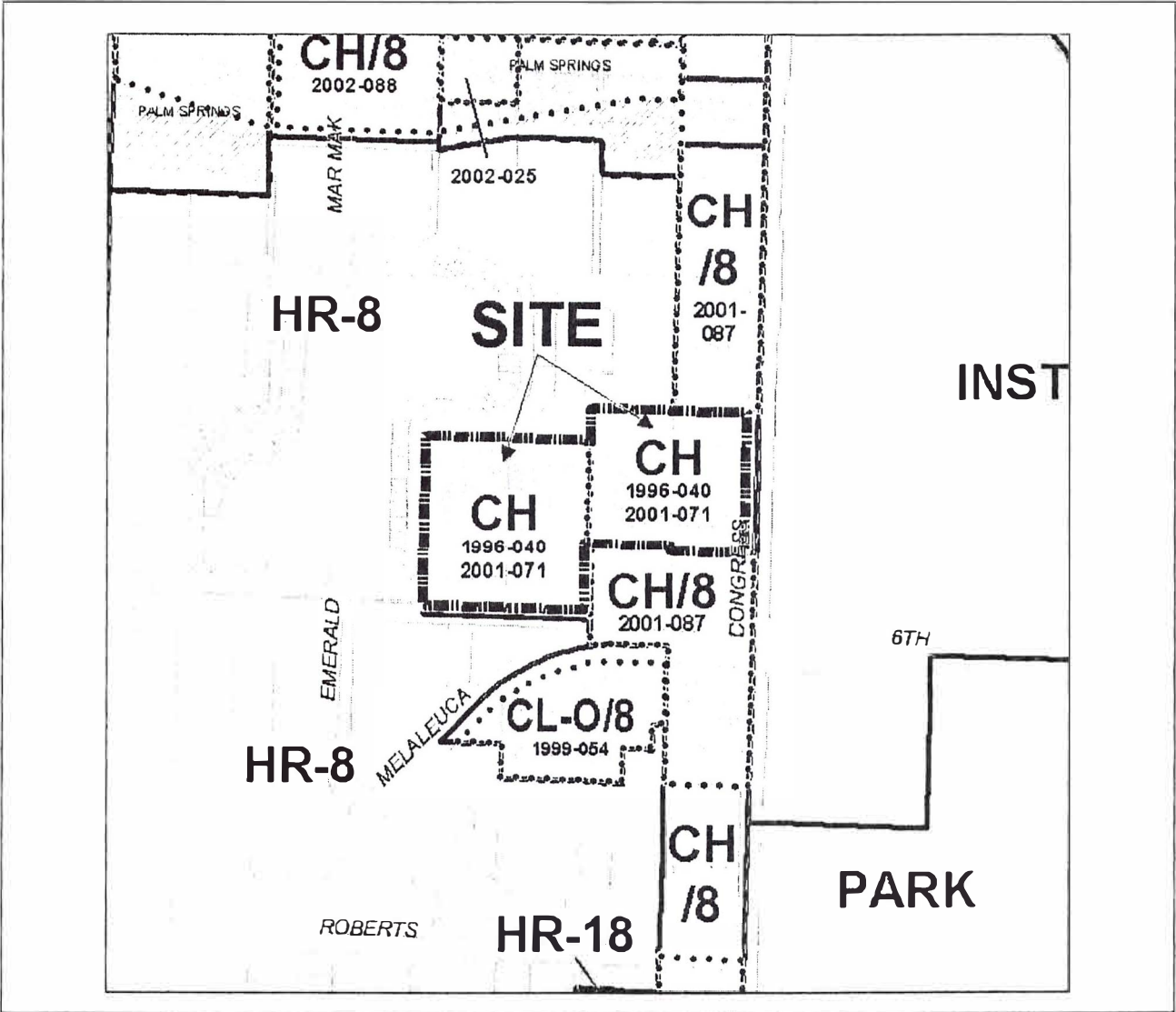
10
11 [Signature]
12 COUNTY ATTORNEY

13
14 Filed with the Department of State on the 29th day
15 of August, 2006.

16
17 T:\planning\AMEND\06-1\admin\bccadopt\Ordinances\Ordinance_06-1_CongressMelaleuca.doc
18
19

EXHIBIT 1

Amendment No.:	Congress/Melaleuca Residential (LGA 2006-00013)
FLUA Page No.:	78
Amendment:	From Commercial High (CH) to High Residential, with 8 units per acre (HR-8)
Location:	The site is located approximately 350 feet north of the intersection of Congress Avenue and Melaleuca Lane.
Size:	Approximately 18.26 acres
Property No.:	00-43-44-30-01-064-0031, 00-43-44-30-01-064-0032, 00-43-44-30-01-061-0010, 00-43-44-30-01-062-0010, 00-43-44-30-01-033-0050, 00-43-44-30-01-034-0050
Legal Description:	See attached
Condition:	If the applicant does not utilize the Workforce Housing Program (WHP), a minimum of 20% of the density generated by the site shall be affordable to households between 80% and 120% of the median household income.



LEGAL DESCRIPTION:

All of Lot C, and the North 19 feet of Lot D, Tract 64, Palm Beach Farms Co. Plat No. 7, Section 30, Township 44 South, Range 43 East, according to the Plat thereof, as recorded in Plat Book 5 at Page 72, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH the following:

Lot E, Block 33, Lot E, Block 34; lots A, B and C, Block 63; Lots A and B, Block 64; Lots A, B, C, D and E, Block 61; Lots A, B, C, D and E, Block 62; Palm Beach Farms Co. Plat No. 7, Section 30, Township 44 South, Range 43 East, according to the Plat thereof, as recorded in Plat Book 72, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH, the following: (Per Quit-Claim Deed Recorded in O.R.B. 9839/1304, P.B.C.R.)

The 30 foot Road Right-of-Way lying between Lots A, B & C, Block 63 and Lots A, B & C, Block 62, of said Plat of Palm Beach Farms Co. Plat No. 7, Section 30, Township 44 South, Range 43 East.

TOGETHER WITH, the following: (Per Quit-Claim Deed Recorded in O.R.B. 9839/1304, P.B.C.R.)

The East 15 foot of the 30 foot Road Right-of-Way lying contiguous to Lots A, B, C, D & E Block 61 of said Plat of Palm Beach Farms Co. Plat No. 7, Section 30, Township 44 South, Range 43 East.

TOGETHER WITH, the following: (Per Quit-Claim Deed Recorded in O.R.B. 9839/1304, P.B.C.R.)

The East 15 foot of the 30 foot Road Right-of-Way lying contiguous to Lot E Block 34 of said Plat of Palm Beach Farms Co. Plat No. 7, Section 30, Township 44 South, Range 43 East.

LESS AND EXCEPTING, the following:

A certain TRACT of Land in Section 30, Township 44 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

The East 10.00 feet of Lot E, Block 33; the East 10.00 feet of Lots A, B, C and the East 10.00 feet of the North 19.00 feet of Lot D, Block 64, Palm Beach Farms Co. Plat No. 7, Section 30, Township 44 South, Range 43 East, according to the Plat thereof, as recorded in Plat Book 5 at Page 72, of the Public Records of Palm Beach County, Florida

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. ROCK, Clerk & Comptroller certify
this to be a true and correct copy of the original
filed in my office on **AUG 21 2006**

dated at West Palm Beach, FL on **9-7-2006**

Sharon R. Rock
Deputy Clerk

